

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

11 CV 3313  
Batts

## PLAINTIFFS

Securities Investor Protection Corp.

## DEFENDANTS

Bernard L. Madoff Investment Securities LLC.

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Becker & Poliakoff LLP, 45 Broadway, 8th Fl., New York, NY  
10006 (212) 599-3322, attorneys for Appellants

## ATTORNEYS (IF KNOWN)

Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY  
10111 (212) 589-4200, attorneys for TrusteeCAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158(a)(1), appeal from an order denying customers' motion to set aside settlement order

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

08-1789 #4005

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF	28 USC 157
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY	<b>PROPERTY RIGHTS</b>
INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 820 COPYRIGHTS
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 830 PATENT
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 840 TRADEMARK
ENFORCEMENT OF	LIABILITY	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 660 OCCUPATIONAL	<b>SOCIAL SECURITY</b>
JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 861 HIA (1395f)
<input type="checkbox"/> 151 MEDICARE ACT	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<b>LABOR</b>	<input type="checkbox"/> 862 BLACK LUNG (923)
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
DEFAULTED	LIABILITY	PROPERTY DAMAGE	<input type="checkbox"/> 720 STANDARDS ACT	<input type="checkbox"/> 864 SSID TITLE XVI
STUDENT LOANS	<input type="checkbox"/> 350 MOTOR VEHICLE	PRODUCT LIABILITY	<input type="checkbox"/> 730 LABOR/MGMT	<input type="checkbox"/> 865 RSI (405(g))
(EXCL VETERANS)	PRODUCT LIABILITY	<input type="checkbox"/> 385 PROPERTY DAMAGE	RELATIONS	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	PRODUCT LIABILITY	<input type="checkbox"/> 740 LABOR/MGMT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or
OVERPAYMENT OF	INJURY		REPORTING &	Defendant)
VETERAN'S BENEFITS			DISCLOSURE ACT	<input type="checkbox"/> 871 IRS-THIRD PARTY
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			<input type="checkbox"/> 740 RAILWAY LABOR ACT	26 USC 7609
<input type="checkbox"/> 190 OTHER CONTRACT			<input type="checkbox"/> 790 OTHER LABOR	
<input type="checkbox"/> 195 CONTRACT PRODUCT			LITIGATION	
LIABILITY			<input type="checkbox"/> 791 EMPL RET INC	
<input type="checkbox"/> 196 FRANCHISE			SECURITY ACT	
	<b>ACTIONS UNDER STATUTES</b>			
	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		
<b>REAL PROPERTY</b>	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO	<b>IMMIGRATION</b>	
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 442 EMPLOYMENT	VACATE SENTENCE	<input type="checkbox"/> 462 NATURALIZATION	
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 443 HOUSING/	20 USC 2255	APPLICATION	
<input type="checkbox"/> 230 RENT LEASE &	ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 463 HABEAS CORPUS-	
EJECTMENT	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY	ALIEN DETAINEE	
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 465 OTHER IMMIGRATION	
<input type="checkbox"/> 245 TORT PRODUCT	DISABILITIES -	<input type="checkbox"/> 550 CIVIL RIGHTS	ACTIONS	
LIABILITY	EMPLOYMENT	<input type="checkbox"/> 555 PRISON CONDITION		
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> 446 AMERICANS WITH			
REAL PROPERTY	DISABILITIES -OTHER			
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	<input type="checkbox"/>	<input type="checkbox"/>	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/>	<input type="checkbox"/>	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	<input type="checkbox"/>	<input type="checkbox"/>
CITIZEN OF ANOTHER STATE	<input type="checkbox"/>	<input type="checkbox"/>	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/>	<input type="checkbox"/>	FOREIGN NATION	<input type="checkbox"/>	<input type="checkbox"/>

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Securities Investor Protection Corp., 805 Fifteenth Street, N.W., Suite 800, Washington D.C. 20005

Marsha Peshkin, and a large group of other customers, Appellants  
Becker & Poliakoff LLP  
45 Broadway, 8th Floor  
New York, NY 10006

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Bernard L. Madoff Investment Securities LLC  
c/o Irving H. Picard, Trustee  
Baker & Hostetler  
45 Rockefeller Plaza  
New York, NY 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  
(DO NOT check either box if this is a PRISONER PETITION.)

☐ WHITE PLAINS

☒ MANHATTAN

DATE 4/11/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO ☒ YES (DATE ADMITTED Mo. 12 Yr. 1978)  
Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)